

## **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, AUGUST 3, 2010**

The meeting of the State Properties Committee was called to order at 10:05 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay, Public Member; and Michael Sligar representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Meredith Pickering from the Rhode Island Senate Fiscal Office; Robert Paquette from the Rhode Island Department of Environmental Management; Joseph Paul da Silva from the Rhode Island Department of Education; David Coppotelli, Colleen Kerr, Susan Howe, Daniel Clarke and Christine Brien from the Rhode Island Department of Transportation; Michael Grant from National Grid; Dr. Marcia Lukons, from the Town of Jamestown School Department; Bruce R. Keiser from the Town of Jamestown; and Daniel Cartier from the Chariho Regional School District.

Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the minutes from the State Properties Committee meeting held on Tuesday, July 6, 2010, by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

**OLD BUSINESS – Department of Transportation – A request was made for approval of and signatures on a License Agreement by and between the Department of Transportation and the Town of Jamestown to allow the Town to utilize 8,000 square feet of State-owned property situated within the Park and Ride facility located at the intersection of Boston Neck Road and Route 138 in the Town of North Kingstown for purposes of parking ten (10) school buses. Ms. Brien introduced Dr. Marcia Lukon, Superintendent of Jamestown School Department and Mr. Bruce R. Keiser, Administrator, of the Town of Jamestown and indicated that they are present to answer any additional questions the Committee may have regarding this request. Ms. Brien explained that the Town is seeking to enter into a gratis License Agreement for use of an 8,000 square foot parcel of State-owned land situated at the back portion of the Park and Ride facility located at Boston Neck Road and Route 138 in the Town of North Kingstown for purposes of parking ten (10) school buses. Ms. Brien indicated that the back portion of the lot which will be utilized by the Town will be delineated by painted stripes and possibly some signage. Ms. Brien explained that the Town of Jamestown is requesting use of this site, because it will save the Town a great deal of expense. Chairman Flynn asked that the panel explain where the buses are currently parked, whether the buses are privately-owned and how the use of this lot will result in savings to**

the Town of Jamestown. Dr. Lukon explained that the Town recently constructed a new Town Hall and vacated the former building approximately three (3) years ago. Dr. Lukon indicated that the Town's school buses are currently parked in the lot of the former Town Hall. The Town is presently trying to market the former Town Hall for sale and will obviously need to relocate the school buses to an alternative site. Mr. Keiser stated that for financial reasons related to the newly constructed water treatment plant, it is imperative that the former Town Hall be sold as soon as possible. The Town leases privately-owned school buses for student transportation. Dr. Lukon explained that at the expiration of the last contract, the Town solicited bids for a new contract and because it had not yet secured a suitable parking site, the Request for Proposals contained two options. One option was for proposals based upon the Town providing suitable parking for the buses and the other sought proposals based upon the bus companies providing parking for their own buses. Dr. Lukon stated that the difference in price between the two (2) proposals is approximately \$30,000 per year. Therefore, over the course of a three (3) year contract, the Town would pay an additional \$90,000 if it had to rely on the bus company to secure suitable parking for the leased buses. Mr. Keiser noted that because of the school funding formula, the Town would also lose fifty (50%) percent of its State education aid over the course of a ten (10) year period. Chairman Flynn clarified that the Town of Jamestown buses its high school students to the North Kingstown High School. Mr. Kay asked who owned the school buses. Dr. Lukon noted that the buses are owned by First Student,

which is also under contract with the State of Rhode Island. Mr. Griffith asked about appropriate insurance coverage as the Park and Ride is a State-owned facility. Mr. Keiser explained that the Town of Jamestown is a member of the Rhode Island Inter-Local Risk Management Trust and the Town will assume all liability associated with both the school buses and the property they occupy. Mr. Woolley noted that the License Agreement stipulates that the Town shall indemnify the State of Rhode Island and hold it harmless against any and all liability that may arise from the Town's activities at the Park and Ride site and is further subject to the rules and regulations of the Department of Transportation. Ms. Brien stated that the Town submitted the Certificate of Insurance naming the State of Rhode Island as an additional insured to the Department. Chairman Flynn noted that as previously represented by the Department, standard public use of this Park and Ride facility accounts for less than fifty (50%) percent of its total capacity. However, Chairman Flynn asked if the License Agreement contains a termination clause in the event of an increase in the public's use of this parking facility. Ms. Brien stated that the License Agreement is revocable "at will" which is a standard provision contained in all Department license agreements. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM A – Department of Education – A request was made for approval of and signatures on a Grant of Easement Agreement by and between the Department of Education and The Narragansett Electric Company**

in order to maintain and repair the distribution system, which provides electrical service to the Chariho Career and Technical Center located at 459 Switch Road in the Town of Richmond. Mr. da Silva introduced Mr. Daniel Cartier, Project Manager, for the Chariho Regional School District and Michael Grant from National Grid and indicated that they are present to answer any questions the Committee may have regarding this request. Mr. da Silva indicated that the Department is seeking the Committee's approval of an easement over State-owned property, which currently houses the Chariho Career and Technical Center. Mr. da Silva explained that the Department of Education recently entered into an Agreement to transfer the Chariho Career and Technical Center to the Chariho Regional School District. Mr. da Silva indicated that said Agreement will culminate in the final transfer of said facility by July 2012. Mr. da Silva stated that the Department of Education was recently approached by the Chariho Regional School District relative to the granting of the subject easement. Said easement comprises a small area situated at the very corner of the lot and will allow the Narragansett Electric Company to access an existing transformer pad. Mr. Cartier explained that Chariho Regional School District is renovating the Career and Technical Center and constructing additional classroom areas. As part of said renovations, the facility's electrical service needed to be restructured. Mr. Cartier stated that the Narragansett Electric Company will remove overhead power lines and install underground conduits, which will be a safer and better protected system. Mr. Kay asked when the Chariho Regional School

**District anticipates the project will be completed. Mr. Cartier stated that the School District is hoping the renovations will be finished in time for the upcoming school year. A motion was made to approve by Mr. Woolley and seconded by Mr. Kay.**

**Passed Unanimously**

**ITEM B – Film and Television Office – A request for approval on a form “Blanket Film License Agreement” to allow future filming on State-owned property.**

**Item B is deferred to a future meeting of the State Properties Committee at the request of the Film and Television Office.**

**ITEM C – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement by and between the Department of Environmental Management and the Bristol 4th of July Committee to hold a Freedom Festival (Carnival/ Faire) from August 6, 2010, through and including, August 15, 2010, together with a Road Race on August 7, 2010, at Colt State Park in the Town of Bristol. Mr. Paquette explained that the scope of the original request was limited to providing vehicle parking for this event; however, over the summer, the Town of Bristol has been renovating the parking area of the Town Beach as well as renovating the beach itself. Mr. Paquette explained that said construction has altered the plans for this event and the Town is now requesting use of a portion of Colt State Park to erect a tent, park vehicles and possibly provide set up areas for vendors. Mr. Paquette explained that the aforementioned tent will house a circus during the faire; however, said circus will include performances by people only, it will not**

include circus animals. Mr. Paquette indicated that the appropriate Certificate of Insurance has been submitted to the Department from the Inter-Local Risk Management Trust. Mr. Paquette stated that the Department is requiring that the Town engage the services of environmental police officers to monitor this event and to protect the grounds of the park. Additionally, the Department has required that dumpsters and port-a-johns be provided for the event. Chairman Flynn asked if this is the first year this event has been held. Mr. Paquette stated that this is the first year for this event and explained that due to the decline in State funding and funding from local sponsors for the Town of Bristol's 4th of July Parade, the Town is investigating alternative means of raising money for next year's parade. Mr. Kay asked if the Department is requiring vendors to secure product liability in addition to general liability insurance coverage. Mr. Paquette indicated that the Department has made the vendors aware of said insurance coverage requirements. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM D– Department of Environmental Management – A request for approval of and signatures on a Conservation Easement over approximately eight (8) acres of undeveloped real property located in the Town of Lincoln; designated as Plat 32, Lot 45, at Timberland Drive and Briarwood Drive. Item D is deferred to a future meeting of the State Properties Committee at the request for the Department of Environmental Management.**

**ITEM E – Department of Transportation – A request was made for approval of and signatures on a Sign License Agreement by and between the Department of Transportation and Hopkins Hill Nursery d/b/a K. Wilcox Incorporated for use of 200 square feet of State-owned property located at 73 Hopkins Hill Road in the Town of West Greenwich. Mr. Coppotelli stated that the applicant wishes to enter into a License Agreement for purposes of erecting a business sign. Mr. Coppotelli indicated that said Agreement is for a term of five (5) years and the standard annual fee of \$600 will be required. The License Agreement provides for a re-evaluation of said fee at the end of the third (3rd) year. Mr. Coppotelli stated that the License Agreement has been approved by the Department's Design Section. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM F – Department of Transportation – A request was made for approval of and signatures on a Quit Claim Deed conveying 7,977 square feet of excess land located at 80 Lambert Lind Highway in the City of Warwick to Richmond Center Limited Partnership. Mr. Clarke indicated that the subject property is located along the Lambert Lind Highway at Clock Tower Square. Chairman Flynn asked Mr. Clarke to refresh the Committee's memory regarding the particulars of the subject property. Mr. Clarke stated that the Committee granted the Department's request for conceptual approval to sell the property in October 2009. Mr. Clarke noted that the property comprises 7,977 square feet of land and does not meet the City's requirements for a**



buildable lot. Richmond Center Limited Partnership has been licensing the subject property for a number of years for purposes of vehicle parking. Mr. Clarke explained that subsequent to obtaining conceptual approval to sell the property, the applicant informed the Department that the funds to purchase the property were not readily available; however, Richmond Center Limited Partnership recently informed the Department that it is ready, willing and able to purchase the property at this time. Mr. Clarke stated that there has been no change in the square footage or the value of the property. A motion to approve was made by Mr. Griffith and seconded by Mr. Kay.

**Passed Unanimously**

**ITEM G – Department of Transportation –** A request was made for approval of and signatures on a Quit Claim Deed conveying 1,963 square feet of excess State-owned property located on Alfred Drowne Road in the Town of Barrington to Graham and Claudia Kilvert. Mr. Clarke stated that in January 2010, the Committee granted the Department's request for conceptual approval to sell the subject property to Graham and Claudia Kilvert. Mr. Clarke reminded the Committee that the sale of this property originated from an encroachment, which came to the attention of the Department by the applicants themselves. Mr. Clarke explained that the home-owners commissioned a survey of their property and discovered that a portion of the land they utilized for parking was encroaching upon State-owned land. The Kilverts' then approached the Department with a request to purchase the subject property. The property was appraised and the applicant's have agreed to the purchase price;

therefore, the Department is now ready to bring this transaction to a close. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public by Mr. Griffith and seconded by Mr. Woolley.

A motion to enter Executive Session was made by Mr. Griffith and seconded by Mr. Woolley A roll call vote was taken and the votes were as follows: Mr. Griffith voted "Aye", Mr. Kay voted "Aye", Mr. Woolley voted "Aye" and Chairman Flynn voted "Aye".

The Committee returned to the open session of the State Properties Committee meeting at 10: 32 a.m.

**ITEM E1 – Department of Transportation – A request was made for approval of and signatures on a Temporary Easement Agreement by and between the Department of Transportation and Middletown Historical Society relative to the Valley Road and Green End Avenue Intersection Improvement Project. After discussion in Executive Session, a motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM E2 – Department of Transportation – A request was made for authorization to acquire three (3) parcels of land by virtue of Condemnation Plat 2703 in connection with the Rehabilitation of Ten Mile River Bridge Nos. 478 and 479 located on North Broadway in the City of East Providence. After discussion in Executive Session, a motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM E3 – Department of Transportation – A request was made for authorization to acquire easements from private property owners by virtue of Condemnation Plat 2703 and to secure agreements with the Department of Environmental Management relative to the Rehabilitation of the Weekapaug Bridge No. 997 located on Atlantic Avenue in the Town of Westerly. After discussion in Executive Session, a motion to approve was made by Mr. Kay and seconded by Mr. Griffith.**

**Passed Unanimously**

**Chairman Flynn provided copies of the proposed updated Rules and Regulations of the State Properties Committee for the Committee's review and indicated that a meeting concerning approval of said Rules and Regulations will be scheduled in the near future.**

**There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:37 a.m. The motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

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**Holly H. Rhodes, Executive Secretary**